

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 305

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO WORKER'S COMPENSATION AND RELATED LAWS; AMENDING
SECTION 72-804, IDAHO CODE, TO PROVIDE FOR ATTORNEY'S FEES AND
CERTAIN COSTS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 72-804, Idaho Code, be, and the same is hereby amended to
read as follows:

72-804. ATTORNEY'S FEES – PUNITIVE COSTS IN CERTAIN CASES. (1) If the
commission or any court before whom any proceedings are brought under this law determines
that the employer or his surety contested a claim for compensation made by an injured
employee or dependent of a deceased employee without reasonable ground, or that an employer
or his surety neglected or refused within a reasonable time after receipt of a written claim for
compensation to pay to the injured employee or his dependents the compensation provided by
law, or without reasonable grounds discontinued payment of compensation as provided by law
justly due and owing to the employee or his dependents, the employer shall pay reasonable
attorney fees in addition to the compensation provided by this law. In all such cases the fees of
attorneys employed by injured employees or their dependents shall be fixed by the commission.

(2) If an employer or his surety denies an injured worker's claim or request for medical
service(s), or terminates an injured worker's previously approved medical service(s), and
upon a hearing commenced before the commission such medical service(s) is found to be
compensable by the commission, then the employer or his surety shall pay the reasonable
attorney fees and costs of claimant in obtaining the requested medical service(s). In all such
cases, the fees and costs shall be fixed by the commission.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to
exist, this act shall be in full force and effect on and after its passage and approval.